

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

SALEEM JAFFER JIWANI, #10620-078	§	
VS.	§	CIVIL ACTION NO. 6:08cv135
UNITED STATES OF AMERICA	§	CRIM. NO. 6:03cr63(01)

ORDER OF DISMISSAL

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Judith K. Guthrie, who issued a Report and Recommendation concluding that Jiwani's motion to vacate, set aside or correct his sentence pursuant to 28 U.S.C. § 2255 should be denied. Jiwani has filed a reply, which is construed as objections.

The Report of the Magistrate Judge, which contains her proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by Jiwani to the Report, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and the objections by Jiwani are without merit. More specifically, Jiwani failed to show in his objections that the waiver of a § 2255 proceeding that was contained in Paragraph 10 of the Plea Agreement should not be upheld. Therefore the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

**ORDERED** that Jiwani's motion to vacate, set aside or correct his sentence pursuant to 28 U.S.C. § 2255 is **DENIED** and the cause of action is **DISMISSED** with prejudice. It is further **ORDERED** that a certificate of appealability is **DENIED**. It is finally **ORDERED** that all motions not previously ruled on are hereby **DENIED**.

**So ORDERED and SIGNED this 14th day of May, 2008.**



**LEONARD DAVIS**  
**UNITED STATES DISTRICT JUDGE**